THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION No.17488 of 2005

Dated: 09-08-2005

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Between:

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Mohd Basharathuddin Khan,

S/o. Late Moinunissa Begum,

Aged about 65 years, Occ: Landlord,

R/o.H.No.3-6-129, Aziz Gulshan, Hyderguda, Hyderabad,

Represented through GPA Md.Naseeruddin Khan.

… Petitioner

And

The State of Andhra Pradesh,

Represented by its Secretary Revenue,

Secretariat, Hyderabad and others.

… Respondents

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ORDER:

This writ petition is filed seeking a writ of Mandamus to declare the uninitiated proceedings of the 4th respondent – Mandal Revenue Officer in proceedings in R.O.R.428 of 1996 dated 16-08-1996 as illegal and arbitrary and for a consequential direction to the 4th respondent to reverse the entries made in pursuance of above uninitiated proceedings and restore the name of the original pattadar

Smt. Moinunissa Begum and her legal heirs and also for a direction to the 4th respondent not to mutate the name of the 7th respondent in revenue records.

The case of the petitioner is that his mother Late Moinunissa Begum was the original pattadar, absolute owner and possessor of the agricultural lands admeasuring Acs.6.38 guntas in Survey No.479 situated at Koheda Village, Hayathnagar Mandal, R.R. District, and after her death he succeeded to the property as her only son and legal heir. It is stated that the 6th respondent is the son of the

5th respondent who reside in the same village.

Respondents 5, 6 and 7 created a false and fabricated unregistered sale deed with the collusion of the village patwari, projecting the 5th respondent as purchaser of the land in question from its original owner and pattadar and also got created fabricated R.O.R. records such as Title Deed and Pattadar Pass Book purporting it to be issued by the

4th respondent in pursuance of the uninitiated R.O.R. proceedings No.428 of 1994 dated 16-08-1996, without there being any such proceedings and valid orders from the competent authorities of respondents 3 and 4 by forging the signatures of the authorities, therefore the same is an uninitiated one. When this fact came to the notice of the petitioner, immediately he approached respondents 2 to 4 and made a detailed representation bringing all the aforementioned facts to their notice. In pursuance of which, the 2nd respondent – District Collector made an enquiry and the 4th respondent vide his memo dated 02-04-2005 informed that there is no such proceedings in ROR 428 of 1994 dated 16-08-1996 available in their office. It is submitted that with regard to the uninitiated proceedings, the petitioner filed a complaint, dated 08-07-2004, before the Commissioner of Police who in turn registered a case and initiated enquiry. It is also stated that the alleged proceedings were issued in pursuance of the amounts deposited by respondents 5 and 6 in Treasury vide Challan Nos.338 and 339. It is also submitted that the petitioner approached the Treasury Office and the Treasury Office after due verification gave a certificate dated 06-04-2005 stating that challan Nos.338 and 339,

16-08-1996 for an amount of Rs.100/- and Rs.150/- were not at all remitted in the Treasury. However, the 4th respondent alleged to have passed the uninitiated proceedings view of the payments made under the aforementioned challans, alleged to have made by respondents 5 and 6 and in pursuance of which respondents 5 and 6 got the alleged un-registered sale deed purported to

have been executed by the pattadar Moinunissa Begum validated through proceedings No.R.O.R. 428/96, dated 16-08-1996. Thus, it is clear that respondents 5 and 6 have even manufactured and forged the treasury challans to suit their convenience and subsequently respondents 5 and 6 jointly executed a registered sale deed bearing document No.3467/99 dated 25-06-1999 in respect of the land admeasuring Ac.1-38 guntas in Survey No.479. It is further stated that neither the mother of the petitioner nor the petitioner sold away the land in question in favour of respondents 5 and 6 at any point of time.

Heard the learned counsel for the petitioner and the learned Government Pleader for the Revenue.

A bare perusal of the averments made in the affidavit filed in support of the petition and the material available on record disclose that the petitioner filed this writ petition on the basis of the alleged mutation of the property in question in favour of respondents 5 to 7. When the petitioner lodged a complaint before the District Collector, the Revenue Divisional Officer and the Mandal Revenue Officer with regard to creation of alleged proceedings of R.O.R. in respect of the land in question, the revenue authorities upon an enquiry informed him that the land in question was neither mutated in the name of respondents 5 and 6 nor pattadar pass book was issued in their favour to that effect. Therefore, the rights of the petitioner are in no way prejudiced. When respondents are alienating the property in question on the basis of the alleged mutation, the petitioner can approach the appropriate Forum for redressal of his grievance against respondents 5 to 7. Therefore, I see no reason to entertain this writ petition.

For the above said reasons, the writ petition is accordingly dismissed. No order as to costs.

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ELIPE DHARMA RAO, J

Dated: 08-08-2005

LSK